

Appl. No. 09/548,728
Reply Brief in Response
to Examiner's Answer of 15 November 2005

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JAN 03 2006

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/548,728
Applicant(s) : EPSTEIN
Filed : 13 Apr 2000
TC/A.U. : 2131
Examiner : REVAK, Christopher A.
Atty. Docket : PHA 23,671


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On: 3 January 2006

By: 

Title: **REGISTERING COPY PROTECTED MATERIAL IN A CHECK-OUT, CHECK-IN
SYSTEM**

Mail Stop: **APPEAL BRIEF - PATENTS**
Commissioner for Patents
Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 CFR 41.41

Sir:

This is a Reply Brief in response to the Examiner's answer dated 15
November 2005 in the subject application.

RESTATEMENT OF GROUNDS OF REJECTION

Claims 1-2, 4-5, and 11-14 stand rejected under 35 U.S.C. 102(b) over
Ananda (USP 5,638,513).

REMARKS REGARDING EXAMINER' ANSWER

Claim 1, upon which claims 2 and 4-5 depend, claims a method that includes
communicating content material and a security challenge to a receiving device, and
receiving a security response from the receiving device when the content material is
removed from the receiving device.

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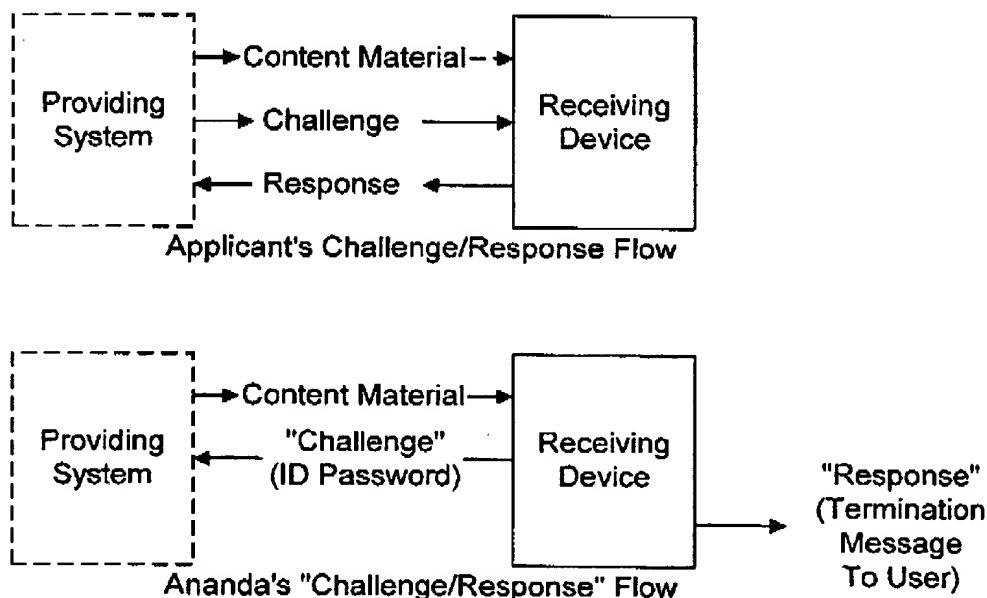
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Claim 11, upon which claims 12-14 depend, claims a receiving device that includes a memory that stores content material and a security challenge received from a check-out/check-in device, and a security device that erases the content material and communicates a security response to the check-out/check-in device.

Ananda discloses providing content material to a user device upon receipt of an ID password, and terminating the use of the content material if communication with the providing system is terminated. In the Examiner's answer, the Examiner asserts that Ananda's ID password corresponds to the claimed security challenge, and that a message to the user, informing the user that the content material is terminated, corresponds to the claimed security response.

Assuming in argument that an ID password can be considered a security challenge and that a message to a user can be considered a security response, the following diagram illustrates the substantial differences between the applicant's claimed invention and the Examiner's interpretation of Ananda.



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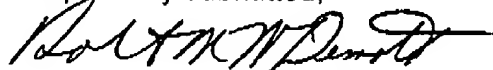
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As is clearly evident, substantial differences exist between the applicant's claimed invention and the Examiner's interpretation of Ananda:

- In the applicant's claimed invention, the receiving device receives the challenge; in Ananda, the receiving device transmits the "challenge" (ID password).
- In the applicant's claimed invention, the response is based on the challenge; in Ananda, the "response" (termination message) is unrelated to the "challenge" (the same termination message is sent to any user, regardless of the user's ID password).

Because Ananda fails to teach each of the elements of the applicant's claimed invention, the applicant respectfully maintains that the rejection of claims 1-2, 4-5, and 11-14 under 35 U.S.C. 102(b) over Ananda is unfounded.

Respectfully submitted,



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